

Veterans Benefits Administration

Introduction to Standard Forms and Intent to File

You are here

We are here
to help you
achieve
your goals



Objectives

After training, you should be able to:



1. Understand the basics of the standard claim and appeal forms rule
2. Understand the basics of the new optional “Intent to File” (ITF) process
3. Understand the impact of the ITF process on potential effective dates
4. Discuss impacts on the current VBA process
5. Identify VA’s standard forms

What is the new rule?

- Regulation Identifier Number (RIN) 2900-AO81 refers to VA's final rule, "Standard Claims and Appeals Forms"
- Published on September 25, 2014 in the Federal Register
- Effective date of the rule is March 24, 2015



FEDERAL REGISTER
The Daily Journal of the United States Government

Major Components of the New Rule

Immediate changes for claims and appeals received on or after March 24, 2015:

- All claims must be submitted on VA-prescribed forms
- Potential for up to a one-year retroactive effective date for claims for increase based on VA and non-VA treatment when claim or intent to file is received within one year of the treatment
- Optional “Intent to File” process created to allow claimants to submit minimal information and preserve a potential effective date placeholder while gathering information and evidence necessary to complete the VA-prescribed form
- Compensation appeals must be initiated on VA Form 21-0958, *Notice of Disagreement*
 - May be extended to pension and other claims in the future

New Terms

- Request for Application (38 CFR 3.155(a))
 - Any communication or action that is not submitted on the appropriate VA-prescribed form which expresses a desire to file for benefits under the laws administered by VA
- Intent to File (38 CFR 3.155(b))
 - A standardized written, oral, or electronic notice to VA of an intent to file a claim for compensation, pension, or survivors benefits that will preserve a potential effective date provided a complete claim is received within one year for those needing additional time to gather the information needed to file their claim (see slides 8 and 9 for details)
- Incomplete application 38 CFR 3.155(c))
 - Any submission on a prescribed form that is not a complete claim as defined in 3.160(a)

New Terms, Cont'd

- Complete claim (38 CFR 3.160(a))
 - A signed submission on a prescribed application form (paper or online) that identifies the Veteran, the claimant, and the benefit sought (for compensation, including a description of the symptoms or medical conditions associated with the claimed disability; for needs-based benefits, a statement of income)
- Notice of disagreement (compensation claims only) (38 CFR 19.24(b)(2), 20.201)
 - A signed, timely submission of VA Form 21-0958, *Notice of Disagreement*, that identifies the claimant, the appealed claim, and the specific nature of the disagreement

Required Forms

All claims must be submitted on prescribed forms:

- Compensation: VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits*
- Pension: VA Form 21-527EZ, *Application for Pension*
- Survivors Pension and Dependency and Indemnity Compensation: VA Form 21-534EZ, *Application for DIC, Death Pension, and/or Accrued Benefits*
- Dependency: VA Form 21-686c, *Declaration of Status of Dependents*; VA Form 21-674, *Request for Approval of School Attendance*
- And more... (slides 20-23)

*Note: The VA Forms 21-526, 21-526b, 21-527, and 21-534 remain acceptable claim forms

All compensation appeals must be submitted on VA Form 21-0958, *Notice of Disagreement*, when it is issued to the claimant with the decision notification letter:

- May be extended to pension and other claims in the future

Potential Retroactive Effective Date for Claims for Increase

- VA recognizes that when Veterans seek treatment and/or hospitalization for service-connected disabilities there may be a delay in filing a claim for increased evaluation
- Changes to effective date rules allow VA to pay retroactive benefits as early as the date of treatment if, within one year of treatment, VA receives:
 - a complete claim, or
 - an ITF and, within one year after the ITF is received, a complete claim for the corresponding benefit



The Intent to File Process

- The new optional intent to file (ITF) process is designed to allow claimants additional time to gather the information needed to file their claim, while protecting their date of claim, and applies to the following claim types:
 - Compensation
 - Pension
 - Survivors Pension and Dependency and Indemnity Compensation (DIC)
- Does not apply to benefits that pay a one-time benefit (e.g., burial)
- The ITF reserves a potential effective date for compensation, pension, and survivors benefits, provided the complete claim for the corresponding benefit is received within 1 year
- Only one ITF per general benefit (compensation, pension, or survivors benefits) can be active at any time
 - An active ITF only applies to the first claim of that type received.

Intent to File Process, Cont'd

- Methods of filing an ITF:
 - Paper form (new VA Form 21-0966, *Intent to File a Claim for Compensation and/or Pension, or Survivors Pension, and/or DIC*)
 - Telephone call to 1-800-827-1000 or in-person interview at a VA regional office or other claim intake center
 - First-time “Save” of online application (eBenefits, SEP, D2D)
- Methods of filing a corresponding claim:
 - VA standard paper form (mailed or faxed)
 - online through eBenefits, SEP, or D2D (compensation only)

NOD Process

- VA now requires claimants use VA Form 21-0958, *Notice of Disagreement*, to initiate an appeal for decisions dated on or after March 24, 2015 when that form is enclosed with the decision notification letter
 - Applies only to appeals to *compensation* claim decisions at this time
- If VA receives an incomplete NOD form, VA will provide claimants 60 days, or the remainder of the 1-year appeal period, to respond to any request by VA to complete the incomplete NOD form
- If a compensation claimant appears to disagree in a format other than the required form, VA will notify the claimant to submit a NOD on the required form. The completed NOD form must be received within 1 year from initial notice of the claim decision

Impacts on Claim Process

- All compensation, pension, and survivors claims, and all compensation appeals must be filed on prescribed forms
 - Intent to File is used to save a potential effective date
- VA will follow existing regulations to establish, develop, rate, and authorize complete claims
- Benefits to Veterans and their Families:
 - Veterans and survivors better understand the evidence and information needed to assist VA in quickly and accurately processing their claims and appeals
 - Helps VA deliver decisions to Veterans and survivors sooner by increasing the efficiency of the claims process

Examples

- Example 1: Veteran submits VA Form 21-0966, *Intent to File a Claim for Compensation and/or Pension, or Survivors Pension, and/or DIC*, for compensation on June 1, 2015 and submits paper VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits*, on January 1, 2016.
 - Intent to File date = June 1, 2015
 - Potential effective date of benefits = June 1, 2015
- Example 2: Representative saves 21-526EZ in SEP on June 1, 2015. Veteran begins online application in eBenefits on November 1, 2015 and submits online application through eBenefits on January 1, 2016.
 - Intent to File date = June 1, 2015
 - November 1st online application save = duplicate intent to file
 - Potential effective date of benefits = June 1, 2015

Examples, Cont'd

- Example 3: Veteran submits an ITF for compensation through the National Call Center on June 1, 2015. The VSO initiates an online application in SEP on November 1, 2015 and submits the online application on January 1, 2016, for knee disability. The VSO submits a second online application, this one for back disability, through SEP on February 1, 2016.
 - Intent to File date = June 1, 2015
 - November 1st online application save = duplicate intent to file
 - Potential effective date of benefits for knee disability= June 1, 2015
 - Potential effective date of benefits for back disability = February 1, 2016

Frequently Asked Questions

IF A CLAIM WAS DENIED DUE TO FAILURE TO REPORT FOR AN EXAM, DOES THE CLAIMANT NEED TO SUBMIT A NEW INTENT TO FILE AND/OR REQUIRED CLAIM FORM TO HAVE THE CLAIM RECONSIDERED?

No, there is no change in our current policy with regard to missed examinations. Within one year of the rating decision, claimants or their representatives can contact VA and indicate he/she is able and willing to report for an exam. VA will re-order the examinations if they are still necessary to decide the claim.

After one year, the claimant will need to submit new and material evidence and the required form to reopen the claim.

Frequently Asked Questions

IS A REQUEST TO RESUME BENEFITS AFTER RELEASE FROM ACTIVE DUTY CONSIDERED A CLAIM REQUIRING USE OF THE ITF AND/OR REQUIRED CLAIM FORM?

No. A request to resume benefits after release from active duty is not considered a claim for benefits and therefore does not require any particular form.

However, if a Veteran is claiming increased benefits for an existing service-connected disability or service-connected benefits for a new disability, ITF and claim rules and procedures apply. In this instance, if a Veteran submits a new complete claim and informs VA that he or she is no longer on active duty, VA will consider the submission to be both a claim and a request to resume the discontinued benefits.

Frequently Asked Questions

CAN A CLAIMANT SUBMIT AN INTENT TO FILE FOR BOTH COMPENSATION AND PENSION BENEFITS?

Yes. A claimant or representative may select both compensation and pension when submitting a single ITF. The claimant must then submit the required claim forms for both types of benefits within one year of the intent to file.

Frequently Asked Questions

WHAT HAPPENS TO THE CLAIMS OR APPEALS FILED UNDER THE OLD REGULATIONS? WILL THE CLAIMANT NEED TO RE-FILE?

No. A claimant who, prior to March 24, 2015, filed claims or notices of disagreement using the former process does not need to re-file.

Stakeholder Enterprise Portal



SEP Stakeholder Enterprise Portal

Log in to SEP

SEP Home Compensation Service Education Service PC@HAC VR&E VSO

Welcome Veteran Representatives

[Accredited VSO Representatives, attorneys and claim agents can now log in to SEP and submit compensation and dependency applications in support of our Veterans. »](#)

Our VA Business Partners

Our VA Business partners and Veterans Service Organizations provide valuable services to help our nation's Veterans and their dependents receive the benefits they deserve.

COMPENSATION SERVICE EDUCATION SERVICE PC@HAC

Tools

[Live Chat for Registration and Log In Difficulties](#)

Live Chat is available Monday to Friday from 9:00 AM ET to 5:00 PM ET. Chats are limited to registration and login assistance for the Stakeholder Enterprise Portal (SEP). Specific details about a Veteran's claim cannot be discussed.

[SEP FAQs and User Guides](#)

See our FAQs and User Guides section for more information.

KnowVA

Find answers to your questions about VA with this powerful search and browse solution.

Standard VA Forms

Benefit Type	VA Prescribed Form
Service connection (original)	<ul style="list-style-type: none">• 21-526• 21-526c• 21-526EZ
Service connection (new or reopen)	<ul style="list-style-type: none">• 21-526• 21-526b• 21-526c• 21-526EZ
Increased evaluation	<ul style="list-style-type: none">• 21-526• 21-526b• 21-526c• 21-526EZ
Temporary Total Disability Rating	<ul style="list-style-type: none">• 21-526• 21-526b• 21-526c• 21-526EZ

Standard VA Forms, cont'd

Benefit Type	VA Prescribed Form
Individual Unemployability (IU)	<ul style="list-style-type: none">• 21-8940 is required for grant of benefits, IU can be filed on any of the following forms as well• 21-526• 21-526b• 21-526c• 21-526EZ
Helpless Child benefits	<ul style="list-style-type: none">• 21-526• 21-526b• 21-526EZ• 21-686c• 21-527• 21-527EZ• 21-534• 21-534a
NSC Pension (original, new, or reopen)	<ul style="list-style-type: none">• 21-526• 21-527• 21-527EZ

Standard VA Forms, cont'd

Benefit Type	VA Prescribed Form
DIC, Death Pension & Accrued Benefits	<ul style="list-style-type: none">• 21-534• 21-534a• 21-534EZ• 21-601 (accrued benefits only)
Specially Adapted Housing (SAH) or Special Home Adaptation (SHA)	<ul style="list-style-type: none">• 26-4555 is required for grant of benefits, SAH/SHA can be filed on any of the following forms as well:<ul style="list-style-type: none">• 21-526• 21-526b• 21-526EZ• 21-4555c is required for supplemental SAH/SHA benefits
Auto Allowance	<ul style="list-style-type: none">• 21-4502 is required for grant of benefits, Auto Allowance can be filed on any of the following forms as well:<ul style="list-style-type: none">• 21-526• 21-526b• 21-526EZ

Standard VA Forms, cont'd

Benefit Type	VA Prescribed Form
Housebound/Aid and Attendance (including spousal A&A)	<ul style="list-style-type: none">• 21-2680 is required for grant of benefits, but HB/A&A can be filed on any of the following forms• 21-526• 21-526b• 21-526EZ• 21-527EZ• 21-534EZ
Spina Bifida	<ul style="list-style-type: none">• 21-0304
Apportionment	<ul style="list-style-type: none">• 21-0788
Dependents	<ul style="list-style-type: none">• 21-526• 21-527• 21-527EZ• 21-686c

Recall Objectives

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Questions?

